

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
RAHUL MANCHANDA,

Plaintiff,

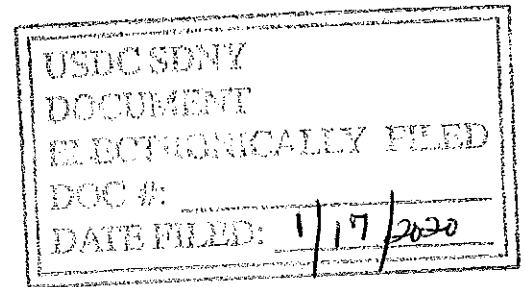
-v-

BRANFORD CT POLICE OFFICER BRETT  
JOHNSON, BRANFORD CT POLICE  
DEPARTMENT, NEW HAVEN SUPERIOR COURT  
JUDGE MAUREEN PRICE-BORELAND, NEW  
HAVEN SUPERIOR COURT JUDGE JAMES  
KENEFICK, JANE BRANDFON EMONS, NEW  
HAVEN SUPERIOR COURT JUDGE DANIEL  
KLAU, NEW HAVEN FBI FIELD OFFICE, U.S.  
ATTORNEYS OFFICE NEW HAVEN,  
CONNECTICUT CHILD PROTECTIVE SERVICES,  
and JOETTE KATZ,

Defendants.  
----- X

19cv9673 (DLC)

ORDER OF  
DISCONTINUANCE



DENISE COTE, District Judge:

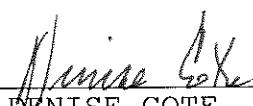
This case was filed on October 21, 2019. On October 30, plaintiff filed a notice of voluntary dismissal under Fed. R. Civ. P. 41(a)(1)(A)(i). On January 9, 2020, plaintiff filed a letter motion seeking to reopen the case. On January 17, plaintiff filed a second notice of voluntary dismissal including the following language: "Plaintiff hereby gives notice that the above captioned action is discontinued without prejudice . . . ."

By default, voluntary dismissals under Fed. R. Civ. P. 41(a)(1)(A)(i) are without prejudice. "But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as

an adjudication on the merits." Fed. R. Civ. P. 41(a)(1)(B). Under the rule, therefore, plaintiff cannot voluntarily dismiss this action without prejudice for a second time. As the plaintiff's January 17 filing purported to discontinue the case without prejudice, the Court is concerned that the plaintiff may not have foreseen this consequence. Accordingly, it is hereby

ORDERED that the above-captioned action is discontinued without costs to any party and without prejudice to restoring the action to this Court's calendar if the application to restore the action is made by **February 18, 2020**. If no such application is made by that date, today's dismissal of the action is with prejudice. See Muze, Inc. v. Digital On Demand, Inc., 356 F.3d 492, 494 n.1 (2d Cir. 2004).

Dated: New York, New York  
January 17, 2020

  
\_\_\_\_\_  
DENISE COTE  
United States District Judge